

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MYRON C. GLENN,

Plaintiff,

Case No. 17-10972

vs.

HON. GEORGE CARAM STEEH

CORIZON HEALTHCARE, INC.,
DR. HARESH B. PANDYA, M.D.,

Defendants.

_____ /

ORDER DENYING PLAINTIFF'S MOTION
FOR RECONSIDERATION [ECF NO. 74]

This matter is before the court on plaintiff Myron C. Glenn's motion for reconsideration of this court's May 3, 2019 Order Granting Defendant Corizon Health, Inc.'s Motion for Summary Judgment [ECF No. 73]. For the reasons stated below, plaintiff's motion for reconsideration is DENIED.

Local Rule 7.1(h)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled but also show that correcting the defect will result in a different disposition of the case.

Plaintiff proposes two palpable errors in his motion for reconsideration. First is that the court was incorrect in concluding that plaintiff did not argue that the named state actors had final decision-making authority. The court reviewed plaintiff's response to defendant's motion for summary judgment and confirms its prior holding. However, even if plaintiff had argued that the individuals were policymakers with final decision-making authority, this would not result in a different disposition of the case.

This brings the court to plaintiff's second palpable error, that Utilization Managers are given final decision-making authority as opposed to mere discretion. Plaintiff raises the same issues previously considered and ruled on by the court. The court stands by its holding that the MDOC-Corizon Appeal Process provides that the MDOC Chief Medical Officer, and not Corizon Utilization Managers, has final authority on all Medical Service Advisory Committee decisions. See ECF No. 70, Ex. A and B. Now, therefore,

IT IS HEREBY ORDERED that plaintiff's motion for reconsideration is DENIED.

Dated: June 4, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 4, 2019, by electronic and/or ordinary mail and also on Myron Glenn #188376, Carson City Correctional Facility, 10274 Boyer Road, Carson City, MI 48811.

s/Barbara Radke
Deputy Clerk